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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,982	03/31/2004	Christine Martz	MARTZ-UNDERWEAR	5916
4988	7590	06/14/2005	CIP- FULL	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			EXAMINER HALE, GLORIA M	
			ART UNIT	PAPER NUMBER

3765

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/813 982

EXAMINER

ART UNIT	PAPER
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20050608

DATE MAILED:

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Commissioner for Patents

Gloria Hale
Primary Examiner
Art Unit: 3765

The timely submission under 37 CFR 1.129(a) filed on 3-24-05 is not fully responsive to the prior Office action because the election is not clear.

The election response has stated that claims 9-30 and then claims 22-25 and 27 are elected. Then claims 1-21 and 26 have been withdrawn. However, these claim numbers overlap and applicant has elected claims that have been withdrawn. It appears that applicant maybe electing claims 22-25 and 27-30. However, a clarification is necessary in order to proceed.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.


GLORIA M. HALE
PRIMARY EXAMINER